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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,634	04/02/2004	Michael Jay Nelson	P6048	1048
29129 7590 10/29/2009 MICHELLE A. ZARINELLI C/O WEST CORPORATION 11808 MIRACLE HILLS DR. MAIL STOP: W11-LEGAL OMAHA, NE 68154				
EXAMINER LAEKEMARIAM, YOSEF K				
ART UNIT 2614		PAPER NUMBER		
NOTIFICATION DATE 10/29/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MAZARINELLI@WEST.COM

Office Action Summary

Application No.

10/816,634

Applicant(s)

NELSON ET AL.

Examiner

YOSEF K. LAEKEMARIAM

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 16-19, 30-46 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 16-19, 30-46 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 16-19, 30-46 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beason et al. (US 6,968,044) in view of McCalmont et al. (US 6,771,742).

Regarding claim 1, Beason discloses a communication network for rotating media channels between resources of an emergency services network and conforming emergency systems (CES) (Col.4 lines 33-45; Beason discusses PSAP equipment 16, i.e. conforming emergency system), the communication network comprising a conforming emergency system (CES) (PSAP terminal 104; fig.3) connected to a transport network (Col.8 lines 29-45; Beason discusses network 116, i.e. transport network), said CES including a CES channel system (Col.8 lines 46-54); and a plurality of resources of an emergency services network connected to the transport network (Col.8 lines 11-19; Beason discusses databases, i.e. resources), said plurality of resources including a resource channel system (Col.8 lines 11-15) wherein the CES channel system and one of the resource's channel systems dynamically establish a first media channel between one another over the transport network, and exchange messages over the first media channel (Col.8 lines 46-54; information is exchanged between the STP/SCP gateway 102 and PSAP 104 via the transport network) to facilitate the CES in handling emergency events (Col.10 lines 1-15);

Beason discloses the invention set forth above except for the claimed “responsive to a triggering event, the CES channel system and one of the resource’s channel systems dynamically establish a second media channel between one another over the transport network, and exchange messages over the second media channel to facilitate the CES in handling emergency events”

McCalmont discloses that responsive to a triggering event, the CES channel system and one of the resource’s channel systems dynamically establish a second media channel between one another over the transport network, and exchange messages over the second media channel to facilitate the CES in handling emergency events (Col.11 lines 32-67 and fig.2, 244).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Beason, and modify the CES channel system and one of the resource’s channel systems to dynamically establish a second media channel between one another over the transport network, and exchange messages over the second media channel to facilitate the CES in handling emergency events, as disclosed by McCalmont, thus allow a system to dynamically establishing communication via a transport network during a triggering event so that the CES and one of the resources exchange message over a media channel, as discussed by McCalmont.

Regarding claim 36, Beason discloses a method of operating a communication network for rotating media channels between a plurality of resources of an emergency services network, said plurality of resources including a resources channel system (Col.8 lines 47-51) and conforming emergency systems (CES) (Col.4 lines 33-45; Beason discusses PSAP equipment 16, i.e. conforming emergency system), said CES including a CES channel system (Col.8 lines 46-

54), the method comprising the steps of: dynamically establish a first media channel between the CES channel system and one of the resource's channel system(Col.8 lines 46-54 and Col.12 lines 24-36) , and exchange messages between the CES channel system and the one resource's channel system over the first media channel to facilitate the CES in handling emergency events (Col.10 lines 1-15);

Beason discloses the invention set forth above except for the claimed "responsive to a triggering event, dynamically establishing a second media channel between the CES channel system and one of the resource's channel system, and exchanging messages between the CES channel system and the one resource's channel system over the second media channel to facilitate the CES in handling emergency events."

McCalmont discloses responsive to a triggering event, dynamically establishing a second media channel between the CES channel system and one of the resource's channel system, and exchanging messages between the CES channel system and the one resource's channel system over the second media channel to facilitate the CES in handling emergency events. (Col.11 lines 32-67 and fig.2, 244).

Considering claims 2 and 37, McCalmont further discloses a method wherein the one resource for the first media channel and the one resource for the second media channel comprise the same resource (Fig.2, 224, 240, and 268).

Considering claims 3 and 38, McCalmont further discloses the communication network of claims 1 and 36, wherein the one resource for the first media channel and the one resource for the second media channel comprise a different resource (Fig.2, 224, 264, 240, and 268).

Considering claims 4 and 39, McCalmont further discloses a method wherein at least one of the CES and the one resource for the first media channel tears down the first media channel after the second media channel is established (Col.11 lines 32-67 and fig.2, 240).

Considering claims 5 and 40, McCalmont further discloses a method wherein at least one of the CES and the one resource for the first media channel tears down the first media channel simultaneously as the second media channel is established (Col.12 lines 14-31).

Considering claims 6 and 41, Beason further discloses a method wherein: at least one of the CES and the one resource for the first media channel tears down the first media channel before the second media channel is established (Col.11 lines 1-27 and fig.1, 14, 26 and 28).

Considering claims 7 and 42, McCalmont further discloses a method wherein: at least one of the CES and the one resource for the first media channel tears down the first media channel after message sessions on the first media channel have ended (Col.16 lines 8-30).

Considering claims 8, and 43, Beason further discloses a method wherein at least one of the CES and the one resource for the first media channel rolls message sessions on the first media channel to the second media channel before tearing down the first media channel (Col.14 lines 1-21 and fig.5).

Considering claims 9 and 44, Beason further discloses a method wherein the triggering event comprises a time period elapsing (Col.7 lines 44-52).

Considering claims 10 and 45, Beason further discloses a method wherein the triggering event comprises a request from the CES, the one resource for the first media channel, the one resource for the second media channel, or another system (Col.7 lines 11-31).

Considering claims 11 and 46, Beason further discloses a method wherein the triggering event comprises the CES receiving a new emergency event (Col.7 lines 44-56).

Considering claim 16, Beason further discloses a method wherein: the channel setup system selects the one resource for the first media channel by identifying the availability of each of the resources in the emergency services network (Col.8 lines 23 and Col.9 lines 30-37).

Considering claims 17 and 52, Beason further discloses a method wherein: the channel setup system includes a data structure that stores information on the plurality of resources, the channel setup system accesses the information in the data structure to select the one resource for the first media channel (Col.7 lines 11-29 and Fig.5).

Considering claim 18, Beason further discloses a method wherein the information in the data structure includes at least one of a capacity or current load of each of the plurality of resources, an operational status of each of the plurality of resources, a number of media channels established with each of the plurality of resources, security, a location of each resource, data connectivity speed of each resource, the type of protocol used by each resource, and the type of each resource (Fig.2, 58 and 60).

Considering claim 19, McCalmont further discloses a method wherein the channel setup system comprises a Session Initiation Protocol (SIP) proxy or a SIP server (Col.16 lines 8-20).

Considering claim 30, McCalmont further discloses a method wherein the plurality of resources includes a response gateway (Fig.2; 240, 236).

Considering claim 31, McCalmont further discloses a method wherein the plurality of resources includes at least one of an ALI database, a Mobile Positioning Center (MPC), a

Gateway Mobile Location Center (GMLC), an Emergency Auxiliary Service Provider (EASP), and a Voice over Internet Protocol (VoIP) server (Fig.2).

Considering claim 32,McCalmont further discloses a method wherein the emergency events include 9-1-1 calls (Col15 lines 7-15).

Considering claim 33,McCalmont further discloses a method wherein the CES exchanges at least one of streaming video, streaming audio, graphics data, voice, text or binary data, and executable instructions or scripts over the first media channel (Col.6 lines 42-61).

Considering claim 34, McCalmont further discloses a method wherein the CES comprises a computer system for a Public Safety Answering Point (PSAP) (Col.2 lines 19-30).

Considering claim 35,McCalmont further discloses a method wherein the CES comprises a computer system for one of a hospital, a police department, a fire station, a fire alarm company, a security company, an ambulance service, a state 9-1-1 coordinator, the Federal Emergency Management Agency (FEMA), the Department of Homeland Security, the National Geophysical Data Center, or the Center for Disease Control (CDC) (Col.3 lines 47-57 and Col.4 lines 1-5).

Response to Arguments

3. Applicant's arguments filed on 06-26-2009 have been fully considered but they are not persuasive.

Applicant agrees that Beason et al. reference discusses a plurality of databases and that database are an example of a resource. Applicant's however argued that Beason et al. reference does not discloses a plurality of resources of an emergency services network connected to the transport network. Examiner respectfully disagrees. Beason discusses and shows that a plurality

of databases residing at the integrated STP/SCP gateway may include instructions for routing an incoming E911 call to the appropriate PSAP based on the call's ANI information (Beason: Col.9 lines 38-43 and Col.8 lines 11-15); additionally Beason clearly shows on fig.3, 116,146)

Applicant also agrees that Beason et al. reference shows that the databases are clearly connect to an integrated STP/SCP gateway or an SCP on (Beason: fig.3-4). Applicant's however argued that Beason et al. reference does not discloses that the databases (resources) are not connected directly to the transport network. Examiner respectfully disagrees. First of all no where in the independent claims 1 and 36 the applicant claimed the limitations that resources (databases) directly connected to the transport network; second, it would have been obvious to one of ordinary skill in the art that connecting resources (databases) directly to the transport network instead of via an intermediate gateway makes the invention novel.

Applicant's argued that Beason et al. reference does not discloses a transport network with virtual channel. Examiner respectfully disagrees. The claim limitation "a transport network with virtual channel" is not claimed in the independent claim 1 and 36

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF K. LAEKEMARIAM whose telephone number is (571) 270-5149. The examiner can normally be reached on Regular hours 8:30 am - 5:30 pm M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melur Ramakrishnaiah/
Primary Examiner, Art Unit 2614

/YOSEF K LAEKEMARIAM/
Examiner, Art Unit 2614
10-21-2009